

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE CREDIT DEFAULT SWAPS AUCTIONS
LITIGATION

Case No.: 1:21-cv-00606-KJG-JHR

**STIPULATION AND ORDER REGARDING FILING THE AMENDED COMPLAINT
AND TIME TO RESPOND TO THE AMENDED COMPLAINT**

Plaintiff New Mexico State Investment Council and Defendants Bank of America Corporation, Bank of America, N.A., BofA Securities, Inc., Barclays PLC, Barclays Bank PLC, Barclays Capital Inc., BNP Paribas S.A., BNP Paribas Securities Corp., Citigroup Inc., Citibank, N.A., Citigroup Global Markets Inc., Citigroup Global Markets Limited, Credit Suisse Group AG, Credit Suisse AG, Credit Suisse Securities (USA) LLC, Credit Suisse Capital LLC, Credit Suisse International, Deutsche Bank AG, Deutsche Bank Securities Inc., The Goldman Sachs Group, Inc.¹, Goldman Sachs & Co. LLC, Goldman Sachs International, JPMorgan Chase & Co., J.P. Morgan Chase Bank, N.A., J.P. Morgan Securities LLC, Morgan Stanley, Morgan Stanley & Co. LLC, Morgan Stanley & Co. International plc, Morgan Stanley Capital Services LLC, NatWest Group Plc, NatWest Markets Plc, NatWest Markets Securities Inc., International Swaps and Derivatives Association, Inc., Creditex Group Inc., and IHS Markit Ltd. (together, “Defendants”) by and through their respective undersigned counsel, subject to this Court’s approval and to the reservation of rights contained below, agree and stipulate as follows:

¹ Plaintiff incorrectly named “Goldman Sachs Group, Inc.” in its Complaint. Defendants have listed the correct name of the entity, which is The Goldman Sachs Group, Inc.

WHEREAS, on June 30, 2021, Plaintiff New Mexico State Investment Council commenced the above-captioned action (the “Action”) by filing a complaint (the “Complaint”), *see* ECF No. 1;

WHEREAS, on August 23, 2021, Defendants agreed to accept service of the Summons and Complaint subject to the terms and conditions of the Stipulation and Order Regarding Service and Time to Respond to the Complaint, *see* ECF No. 77;

WHEREAS, on November 15, 2021, Defendants moved to dismiss the Complaint, *see* ECF Nos. 138-142;

WHEREAS, on December 15, 2021, Plaintiff advised Defendants that Plaintiff elects to amend the Complaint in response to Defendants’ Motions to Dismiss the Complaint, pursuant to the Stipulation and Order Regarding Service and Time to Respond to the Complaint, *see* ECF No. 77, ¶ 7;

WHEREAS, Plaintiff and Defendants have met-and-conferred and agreed to the below schedule for Plaintiff to file an Amended Complaint, and for Defendants to respond to the Amended Complaint.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. The parties agree Plaintiff will file an Amended Complaint on or before February 4, 2022.
2. Once Plaintiff has filed the Amended Complaint via the Court’s ECF system, Defendants that have previously made appearances in this Action shall be deemed served in accordance with Rule 5 of the Federal Rules of Civil Procedure and the Court’s Local Civil Rule 5.1 without waiver of any defense except for service of process.

3. The parties agree Defendants will answer, move against, or otherwise respond to the Amended Complaint on or before April 5, 2022.

4. Plaintiff will serve and file any opposition memorandum on or before June 6, 2022.

5. Defendants will serve and file their reply memorandum and submit a notice of completion of briefing on or before July 12, 2022.

6. Discovery is stayed pending resolution of any and all Defendants' forthcoming dismissal motion(s); except that, (1) if any Defendant moves to dismiss the Amended Complaint on the ground that this Court lacks personal jurisdiction as to it pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, Plaintiff may seek leave of Court to conduct jurisdictional discovery with respect to that Defendant, and seek additional time to file its opposition(s) to the Rule 12(b)(2) motion(s) to dismiss in order to conduct such discovery, or (2) if any Defendant relies on material outside the Amended Complaint that is not publicly available in filing a motion to dismiss under grounds other than Rule 12(b)(2) of the Federal Rules of Civil Procedure or any other motion, Plaintiff may seek leave to conduct merits discovery with respect to that material, and additional time to file its opposition(s) to any such motion(s) in order to conduct such discovery. Defendants reserve the right to oppose any motion by Plaintiff seeking leave of Court to conduct jurisdictional discovery or merits discovery under these circumstances.

7. This stipulation may be executed in separate counterparts, and counterparts may be executed in facsimile or .pdf form, each of which shall be deemed an original. This stipulation, once fully executed, may be submitted to the Court without further notice to any party.

8. This stipulation supersedes and takes the place of any previous order entered by the Court extending the deadlines for any Defendant to answer or otherwise respond to Plaintiff's Complaint, and the Parties agree not to submit any additional motions seeking such relief other than a motion to amend or modify this stipulation.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Kenneth J. Gonzales", is written over a horizontal line.

HON. KENNETH J. GONZALES
UNITED STATES DISTRICT JUDGE

**ATTORNEY GENERAL OF NEW MEXICO
HECTOR H. BALDERAS**

Electronically Approved 12/20/2021

P. Cholla Khoury, Assistant Attorney General
Director, Consumer and Environmental Protection
Brian E. McMath, Assistant Attorney General,
Consumer & Environmental Protection Division
Post Office Drawer 1508
Santa Fe, New Mexico 87504-1508
Telephone: (505) 490-4052
Facsimile: (505) 318-1007
ckhoury@nmag.gov
bmcmath@nmag.gov

David E. Kovel (*admitted pro hac vice*)
Thomas Popejoy (*admitted pro hac vice*)
Karen M. Lerner (*admitted pro hac vice*)
Anthony E. Maneiro (*admitted pro hac vice*)
KIRBY McINERNEY LLP
250 Park Avenue, Suite 820
New York, NY 10177
Telephone: (212) 371-6600
dkovel@kmlp.com
tpopejoy@kmlp.com
klerner@kmlp.com
amaneiro@kmlp.com

Richard J. Leveridge (*admitted pro hac vice*)
Adam H. Farra (*admitted pro hac vice*)
Alison D. Gaske (*admitted pro hac vice*)
Ethan H. Kaminsky (*admitted pro hac vice*)
GILBERT LLP
700 Pennsylvania Avenue, S.E., Suite 400
Washington, D.C. 20003
Telephone: (202) 772-2301
LeveridgeR@GilbertLegal.com
FarraA@GilbertLegal.com
GaskeA@GilbertLegal.com
KaminskyE@GilbertLegal.com

Interim Co-Lead Counsel for the Class

RODEY, DICKASON, SLOAN, AKIN & ROBB,
P.A.

Electronically Approved 12/20/2021

Andrew G. Schultz
P.O. Box 1888
Albuquerque, NM 87103
Telephone: (505) 765-5900
Facsimile: (505) 768-7395
Email: aschultz@rodey.com

Robert Sperling
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601-9703
Telephone: (312) 558-7941
Fax: (312) 558-5700
RSperling@winston.com

Staci Yablon
Eva W. Cole
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-4703
Fax: (212) 294-4700
SYablon@winston.com
EWCole@winston.com

*Attorneys for Defendants The Goldman Sachs
Group, Inc., Goldman Sachs & Co. LLC, and
Goldman Sachs International*

SNELL & WILMER LLP

Electronically Approved 12/20/2021

Gregory J. Marshall
201 Third Street N.W. #500
Albuquerque, New Mexico 87102
Telephone: 602-382-6514
Facsimile: 602-382-6070
E-mail: gmarshall@swlaw.com

Paul S. Mishkin
Sheila R. Adams
Adam G. Mehes
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Fax: (212) 450-4800
paul.mishkin@davispolk.com
sheila.adams@davispolk.com
adam.mehes@davispolk.com

*Attorneys for Defendants Bank of America
Corporation, Bank of America, N.A., and BofA
Securities, Inc.*

ATKINSON, BAKER & RODRIGUEZ, P.C.

Electronically Approved 12/20/2021

Douglas A. Baker
Justin D. Rodriguez
201 Third Street NW, Suite 1850
Albuquerque, NM 87102
Telephone: (505) 764-8111
dbaker@abrfirm.com
jrodriguez@abrfirm.com

Jeffrey T. Scott
Matthew J. Porpora
Jonathan S. Carter
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004-2498
Telephone: (212) 558-4000
Facsimile: (212) 558-3588
scottj@sullcrom.com
porporam@sullcrom.com
carterjo@sullcrom.com

Renata B. Hesse
SULLIVAN & CROMWELL LLP
1700 New York Avenue, NW Suite 700
Washington, DC 20006-5215
Telephone: (202) 956-7500
Facsimile: (202) 293-6330
hesser@sullcrom.com

*Attorneys for Defendants Barclays PLC,
Barclays Bank PLC and Barclays Capital Inc.*

RODEY, DICKASON, SLOAN, AKIN & ROBB,
P.A.

Electronically Approved 12/20/2021

Andrew G. Schultz
P.O. Box 1888
Albuquerque, NM 87103
Telephone: (505) 765-5900
Facsimile: (505) 768-7395
Email: aschultz@rodey.com

Joshua A. Goldberg
Amy N. Vegari
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036
Telephone: (212) 336-2000
jgoldberg@pbwt.com
avegari@pbwt.com

*Attorneys for Defendants BNP Paribas S.A. and
BNP Paribas Securities Corp.*

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

Electronically Approved 12/20/2021

Eric R. Burris
Debashree Nandy
201 Third St. NW, Suite 1800
Albuquerque, New Mexico 87102
Telephone: (505) 244-0770
Facsimile: (505) 244-9266
eburris@bhfs.com
rnandy@bhfs.com

Jay B. Kasner
Karen Hoffman Lent
SKADDEN, ARPS, SLATE, MEAGHER & FLOM
LLP
One Manhattan West
New York, New York 10001
Telephone: (212) 735-3000
Facsimile: (917) 777-3000
Jay.Kasner@skadden.com
Karen.Lent@skadden.com

*Attorneys for Defendants Citigroup Inc.; Citibank,
N.A., Citigroup Global Markets Inc., and Citigroup
Global Markets Ltd.*

BARDACKE ALLISON LLP

Electronically Approved 12/20/2021

Benjamin Allison
141 East Palace Avenue
Santa Fe, NM 87501
Telephone: (505) 995-8000
Facsimile: (505) 672-7037
ben@bardackeallison.com

David G. Januszewski
Herbert S. Washer
Elai Katz
Jason M. Hall
Margaret A. Barone
CAHILL GORDON & REINDEL LLP
32 Old Slip
New York, NY 10005
Telephone: (212) 701-3000
Facsimile: (212) 269-5420
djanuszewski@cahill.com
hwasher@cahill.com
ezatz@cahill.com
jhall@cahill.com
mbarone@cahill.com

*Attorneys for Defendants Credit Suisse Group AG,
Credit Suisse AG, Credit Suisse Securities (USA)
LLC, Credit Suisse Capital LLC, and Credit Suisse
International*

ALLEN LAW FIRM, LLC

Electronically Approved 12/20/2021

Meena H. Allen
6121 Indian School Road NE, Suite 230
Albuquerque, NM 87110
Telephone: (505) 298-9400
Facsimile: (505) 298-7070
mallen@mallen-law.com

John Terzaken
Adrienne V. Baxley
Laurel Fresquez
SIMPSON THACHER & BARTLETT LLP
900 G Street, NW
Washington, DC 20001
Telephone: (202) 636-5500
Facsimile: (202) 636-5502
john.terzaken@stblaw.com
adrienne.baxley@stblaw.com
laurel.fresquez@stblaw.com

*Attorneys for Defendants Deutsche Bank AG and
Deutsche Bank Securities Inc.*

RODEY, DICKASON, SLOAN, AKIN & ROBB,
P.A.

Electronically Approved 12/20/2021

Andrew G. Schultz
P.O. Box 1888
Albuquerque, NM 87103
Telephone: (505) 765-5900
Facsimile: (505) 768-7395
Email: aschultz@rodey.com

Robert D. Wick
Henry Liu
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Telephone: (202) 662-6000
Facsimile: (202) 662-6291
rwick@cov.com
hliu@cov.com

*Attorneys for Defendants JPMorgan Chase & Co.,
J.P. Morgan Chase Bank, N.A., and J.P. Morgan
Securities LLC*

HOLLAND & HART LLP

Electronically Approved 12/20/2021

John C. Anderson
110 N. Guadalupe St., Suite 1
Santa Fe, NM 87507
Telephone: (505) 954-7290
JCAnderson@hollandhart.com

Michael A. Paskin
Lauren M. Rosenberg
CRAVATH, SWAINE & MOORE LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
Telephone: (212) 474-1000
Facsimile: (212) 474-3700
mpaskin@cravath.com
lrosenberg@cravath.com

Attorneys for Defendants Morgan Stanley, Morgan Stanley & Co. LLC, Morgan Stanley & Co. International plc and Morgan Stanley Capital Services LLC

RODEY, DICKASON, SLOAN, AKIN & ROBB,
P.A.

Electronically Approved 12/20/2021

Andrew G. Schultz
P.O. Box 1888
Albuquerque, NM 87103
Telephone: (505) 765-5900
Facsimile: (505) 768-7395
Email: aschultz@rodey.com

James R. Warnot, Jr.
Patrick C. Ashby
Nicole E. Jerry
LINKLATERS LLP
1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 903-9000
james.warnot@linklaters.com
patrick.ashby@linklaters.com
nicole.jerry@linklaters.com

Adam S. Lurie
LINKLATERS LLP
601 13th St. NW
Suite 400
Washington, DC 20005
Telephone: (202) 654-9227
adam.lurie@linklaters.com

*Attorneys for Defendants NatWest Group Plc (f/k/a
Royal Bank of Scotland Group Plc), NatWest
Markets Plc (f/k/a Royal Bank of Scotland Plc), and
NatWest Markets Securities Inc. (f/k/a RBS
Securities Inc.)*

Electronically Approved 12/20/2021

Jessica M. Hernandez
KENNEDY, HERNANDEZ & ASSOCIATES,
P.C.
201 Twelfth Street NW
Albuquerque, New Mexico 87102
Telephone: (505) 842-8662
jhernandez@kennedyhernandez.com

Abram J. Ellis (*pro hac vice*)
SIMPSON THACHER & BARTLETT LLP
900 G Street, NW
Washington, DC 20001
Telephone: (202) 636-5500
Facsimile: (202) 636-5502
aellis@stblaw.com

Alan C. Turner (*pro hac vice*)
John A. Robinson (*pro hac vice* forthcoming)
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017-3954
Telephone: (212) 455-2000
Facsimile: (212) 455-2502
aturner@stblaw.com
jrobinson@stblaw.com

*Attorneys for Defendant International Swaps and
Derivatives Association, Inc.*

Electronically Approved 12/20/2021

Adam S. Hakki (*pro hac vice*)

Jerome S. Fortinsky

SHEARMAN & STERLING LLP

599 Lexington Avenue

New York, NY 10022-6069

Telephone: (212) 848-4000

Facsimile: (212) 848-7179

adam.hakki@shearman.com

jfortinsky@shearman.com

Jeffrey J. Wechsler

MONTGOMERY & ANDREWS, P.A.

325 Paseo de Peralta

Santa Fe, NM 87501

Telephone: (505) 986-2637

jwechsler@montand.com

Attorneys for Defendant Creditex Group Inc.

Electronically Approved 12/20/2021

Colin R. Kass (admitted *pro hac vice*)

PROSKAUER ROSE LLP

1001 Pennsylvania Ave., N.W.

Washington, DC 20004

Telephone: 202-416-6890

ckass@proskauer.com

David A. Munkittrick (admitted *pro hac vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036

Telephone: 212-969-3226

dmunkittrick@proskauer.com

H. Brook Laskey

MCCOY LEAVITT LASKEY LLC

317 Commercial Street NE, Suite 200

Albuquerque, New Mexico 87102

Telephone: 505.246.0455 W

blaskey@mlllaw.com

Attorneys for Defendant IHS Markit Ltd.